Remarks

Claims 1-20 are pending.

Claims 1, 13 and 14 have been further amended to more clearly define Applicant's invention as claimed.

The Applicant has modified Claim 1 by adding the expression related to the ligand being able to bind to HLA-DR "present at the surface of an infectious agent and at the membrane surface of a cell". Support for this expression may be found, for example, at page 1, lines 7-9 (WO 00/66173).

The Applicant has also modified Claims 13 and 14, by replacing the expression "is expressed in a lymphoid cell or a cell of the reticuloendothelial system" with the expression "is present at the membrane surface of a lymphoid cell or a cell of the reticuloendothelial system" which finds support, for example, at page 1, lines 8-9 (WO 00/66173).

Claims 13 and 14 have been modified to be in accordance with the wording of amended Claim 1.

Rejections under 35 U.S.C. § 103(a)

Rejection of Claims 1-2 and 10-18

The rejection of Claims 1-2 and 10-18 under 35 U.S.C. 103(a) as being unpatentable over Selvam *et al.* in view of Cantin *et al.* is respectfully traversed. There is no teaching or suggestion to combine or modify the references to produce the invention of amended Claim 1 or of any of the claims depending from amended Claim 1.

Selvam *et al.* teach immunoliposomes conjugated with a palmitoylated CD4 monoclonal antibody and containing a Rev antisense. Selvam teaches that these immunoliposomes may lower viral infection in HIV-infected CD4-bearing cells. Selvam *et al.* does not teach or suggest the use of other ligands such as the ligand *able to bind to HLA-DR* as claimed in amended Claim 1, even less so of an HLA-DR ligand *coupled to* a lipid comprising vesicle.

The present application clearly specifies that some cells carry HLA-DR while others do not (see specification at page 14, lines 4-14 and page 22, lines 16-19). The present application also clearly specifies that some infectious agents carry HLA-DR while others do not (see page 22, lines 16-26) depending, for example, on the cell type from which they originate. The Applicant

also wishes to point out that the population of cells having HLA-DR at their surface are not necessarily the same population as those having CD4 at their surface. Similarly, infectious agents that have HLA-DR at their surface are not necessarily the same infectious agents as those having CD4 at their surface. Selvam does not teach cells nor infectious agents carrying HLA-DR.

Cantin *et al.* discusses ways to increase HIV infection using HLA-DR, which in fact points away from inhibiting an infectious agent. The Applicant respectfully submits that Cantin does not teach or suggest formulations comprising a lipid-comprising vesicle, and even less a lipid-comprising vesicle *coupled with a HLA-DR ligand*. In addition, Cantin does not teach or suggest whatsoever on the use of a HLA-DR ligand for inhibiting an infectious agent.

Therefore, neither Selvam nor Cantin, taken alone or in combination, teach or suggest a formulation comprising a ligand capable of binding to a HLA-DR and coupled to a lipid-comprising vesicle. In addition there is no teaching or suggestion in either reference, taken alone or in combination, of a formulation comprising a ligand capable of binding to a protein present at the surface of an infectious agent and at the membrane surface of a cell.

In light of the foregoing arguments, withdrawal of the rejection of Claims 1-2 and 10-18 is respectfully requested.

Rejection of Claims 3-9 and 19

The rejection of Claims 3-9 and 19 under 35 U.S.C. 103(a) as being unpatentable over Selvam *et al.* in view of Cantin *et al.* as applied to Claims 1-2 and 10-18, and further in view of U.S. pat. No. 5,773,027 ('027) is respectfully traversed. There is no teaching or suggestion to combine or modify the references to produce the invention of Claims 3-9 or 19.

The teachings of Selvam and Cantin have been discussed *supra*. The '027 patent does not discuss a HLA-DR ligand, and even less *a HLA-DR ligand coupled to* a lipid-comprising vesicle as claimed in any one of Claims 3-9 and/or containing drugs as claimed in Claim 19. In addition, there is no teaching or suggestions in the '027 reference taken alone or in combination with Selvam and/or Cantin, of a formulation comprising a ligand capable of binding to a protein present at the surface of an infectious agent and at the membrane surface of a cell.

In light of the foregoing arguments, withdrawal of the rejection of Claims 3-9 and 19 is respectfully requested.

Rejection of claims 1, 11 and 20

The rejection of claims 1, 11 and 20 under 35 U.S.C. 103(a) as being unpatentable over Selvam *et al.* in view of Cantin *et al.* and Harlow *et al.* is respectfully traversed, because, there is no teaching or suggestion to combine or modify the references to produce the invention of Claims 1, 11 or 20.

The teachings of Selvam and Cantin have been discussed supra. The Harlow *et al.* reference does not discuss a HLA-DR ligand, and even less *a HLA-DR ligand coupled to* a lipid-comprising vesicle. In addition, there is no teaching or suggestions in the Harlow *et al.* reference, taken alone or in combination with Selvam and/or Cantin, of a formulation comprising a ligand capable of binding to a protein present at the surface of an infectious agent and at the membrane surface of a cell.

In light of the foregoing arguments, withdrawal of the rejection of Claims 1, 11 and 20 is respectfully requested.

Extension of Term. The proceedings herein are for a patent application, and the provisions of 37 CFR § 1.136 apply. Applicant believes that no extension of term is required. If any additional extension of term is required, please consider this a petition therefor, and charge the required fee to Deposit Account No. 23-2053.

Based on the above remarks, the Examiner is respectfully requested to reconsider and withdraw the rejections of the claims. It is submitted that the present claims are in condition for allowance, and notification to that effect is respectfully requested.

Respectfully submitted,

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